

Congress of the United States
Washington, DC 20515

August 8, 2019

The Honorable Peter T. Gaynor
Acting Administrator
Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472

Mr. Robert Fenton, Jr.
Regional Administrator, Region IX
Federal Emergency Management Agency
1111 Broadway, Suite 200
Oakland, California 94607

Dear Administrator Gaynor and Mr. Fenton:

We write in strong support of the Governor's Office of Emergency Services' (Cal OES) appeal of the Federal Emergency Management Agency's (FEMA) partial denial of reimbursement for repair of the spillways at Oroville Dam. We believe the Cal OES appeal provides new information that supports full reimbursement for the costs of storm-related damage to the spillways at the full 75% amount allowed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

In February 2017, significant storms and heavy rainfall resulted in Lake Oroville reaching capacity. This required the California Department of Water Resources (DWR) to release water through Oroville Dam's gated spillway and the emergency spillway, its first use in the dam's history. These actions were critical to ensuring the safety of the communities below the dam, but the flow of water through these spillways resulted in significant damage and erosion to both.

On July 22, 2019, the Cal OES submitted an appeal seeking review and reversal of the FEMA decision (FEMA-4308-DR-CA) disallowing reimbursement of the costs associated with repair of the emergency spillway and gated spillway at Oroville Dam. FEMA determined that the emergency spillway was not defined as a facility eligible for reimbursement under the Stafford Act and that the upper portion of the gated spillway was not damaged by the storm event. The Cal OES and the DWR strongly disagree with that determination.

Per FEMA requirements, the Cal OES appeal includes new supporting and clarifying information that establishes the eligibility of the gated spillway and the emergency spillway for full reimbursement of the Federal cost share under the Stafford Act. As detailed in the appeal, this new information demonstrates that the emergency spillway is a facility as defined under the Stafford Act because it is an improved and maintained facility and the damage to the upper portion of the gated spillway was directly caused by the storm event.

Considering the new information provided in the Cal OES appeal, we believe the Oroville Dam emergency spillway and the gated spillway should be reimbursed at the full Federal cost share by FEMA, as allowed under the Stafford Act. Given the importance of this appeal to California and the direct impact your decision will have on our State, we respectfully request that you carefully and thoroughly review the Cal OES appeal.

Please do not hesitate to contact us if you need any additional information, or if we can be of assistance to you during your review of the Cal OES reimbursement appeal for the repair work conducted on the Oroville Dam spillways.

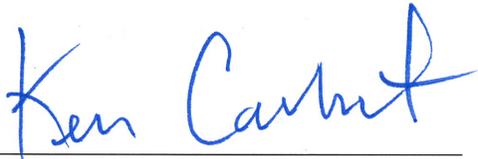
Sincerely,



KEVIN McCARTHY
House Republican Leader



DIANNE FEINSTEIN
United States Senator



KEN CALVERT
Member of Congress



GRACE F. NAPOLITANO
Member of Congress



LUCILLE ROYBAL-ALLARD
Member of Congress